



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** C & G Excavating, Inc.

**File:** B-257225.3

**Date:** June 9, 1994

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### DECISION

C & G Excavating, Inc. protests the refusal of the Small Business Administration (SBA) to issue a certificate of competency (COC) for work to be performed under solicitation No. DACW65-94-B-0009, issued by the Department of the Army.

We dismiss the protest because our Office generally does not consider challenges to SBA's failure to issue a COC.

The Small Business Act, 15 U.S.C. § 637(b)(7) (1988), gives the SBA, not our Office, the conclusive authority to review a contracting officer's determination that a small business is not responsible. Our Office limits review of the denial of a COC to instances in which the protester's submission indicates that SBA action on a referral may have been taken fraudulently or in bad faith or that the SBA failed to consider vital information bearing on the protester's responsibility. Spheres Co., B-225755, June 5, 1987, 87-1 CPD ¶ 573. Such circumstances are not present here.

The protest is dismissed.

A handwritten signature in cursive script, reading "Ronald Berger".

Ronald Berger  
Associate General Counsel